

O31UURIP

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

23 Cr. 490 (SHS)

JOSE URIBE,

Plea

Defendant.

New York, N.Y.  
March 1, 2024  
10:00 a.m.

Before:

HON. SIDNEY H. STEIN,

U.S. District Judge

APPEARANCES

DAMIAN WILLIAMS

United States Attorney for the  
Southern District of New York

BY: LARA POMERANTZ

ELI J. MARK

DANIEL RICHENTHAL

Assistant United States Attorneys

KASOWITZ BENSON TORRES LLP

Attorneys for Defendant

BY: DANIEL FETTERMAN

FRIA R. KERMANI

Also Present:

Christina A. Clark, DOJ; National Security Division

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1 (Case called)

2 MS. POMERANTZ: Good morning, your Honor.

3 Laura Pomerantz, for the government. With me at  
4 counsel table are Eli Mark, Paul Monteleoni, and Daniel  
5 Richenthal.

6 THE COURT: Good morning.

7 MR. FETTERMAN: Good morning, your Honor.

8 Daniel Fetterman, for defendant, Jose Uribe. With me  
9 at counsel table is Fria Kermani.

10 THE COURT: Good morning. Please be seated.

11 Do you have an application, Mr. Fetterman?

12 MR. FETTERMAN: I do, your Honor. We wish to move to  
13 waive proceeding by indictment and proceed with a superseding  
14 information, and my client wishes to enter a guilty plea with  
15 respect to that superseding information.

16 THE COURT: Thank you.

17 And this is pursuant to a plea agreement, I gather?

18 MR. FETTERMAN: It is, your Honor.

19 THE COURT: And is the agreement I have in front of  
20 me, Government, identical to what was sent to my chambers last  
21 night but for the signatures?

22 MS. POMERANTZ: Yes, it is, your Honor.

23 THE COURT: Thank you.

24 Please administer the oath to Mr. Uribe.

25 (Defendant sworn)

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1 THE DEFENDANT: Jose Delores Uribe, last name is  
2 spelled U-R-I-B, as in boy, E.

3 THE COURT: Thank you.

4 You may put your hand down now, Mr. Uribe.

5 Mr. Uribe, do you understand that you are now under  
6 oath, sir, and if you answer any of my questions falsely, your  
7 false or untrue answers may later be used against you in  
8 another prosecution for perjury or for making a false  
9 statement?

10 THE DEFENDANT: Yes, I do.

11 THE COURT: How old are you, sir?

12 THE DEFENDANT: 56.

13 THE COURT: How far did you go in school?

14 THE DEFENDANT: Associates degree.

15 THE COURT: So a year or two of college?

16 THE DEFENDANT: Two years in college.

17 THE COURT: Are you able to read, write, speak, and  
18 understand English?

19 THE DEFENDANT: Yes, I do.

20 THE COURT: You're fluent in English, correct?

21 THE DEFENDANT: Yes.

22 THE COURT: Are you now or have you recently been  
23 under the care of a doctor or psychiatrist?

24 THE DEFENDANT: Yes, your Honor.

25 THE COURT: And what is that, a medical doctor or a

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1 psychiatrist?

2 THE DEFENDANT: Medical doctor.

3 THE COURT: For what purpose, sir?

4 THE DEFENDANT: High blood pressure and my sugar.

5 THE COURT: High blood pressure and?

6 THE DEFENDANT: My sugar level.

7 THE COURT: High sugar level? Thank you.

8 In the past 24 hours, have you taken any drugs,  
9 medicine, or pills, or consumed any alcohol?

10 THE DEFENDANT: No, your Honor.

11 THE COURT: Do you take medicine for the blood  
12 pressure or high sugar level?

13 THE DEFENDANT: For the high sugar -- for the high  
14 sugar, I do.

15 THE COURT: But you haven't taken it in the past 24  
16 hours; is that correct?

17 THE DEFENDANT: Correct, your Honor.

18 THE COURT: Have you ever been treated or hospitalized  
19 for any mental illness or any type of addiction including drug  
20 or alcohol addiction?

21 THE DEFENDANT: No, your Honor.

22 THE COURT: Is your mind clear today, sir?

23 THE DEFENDANT: Yes, it is, your Honor.

24 THE COURT: Are you feeling all right?

25 THE DEFENDANT: Yes, I am.

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1 THE COURT: Are you represented by an attorney here  
2 today?

3 THE DEFENDANT: Yes, I am.

4 THE COURT: And who is that?

5 THE DEFENDANT: Mr. Fetterman.

6 THE COURT: Mr. Fetterman, do you have any doubt as to  
7 Mr. Uribe's competence to plead at this time?

8 MR. FETTERMAN: I do not, your Honor.

9 THE COURT: Mr. Uribe, you heard Mr. Fetterman a few  
10 moments ago tell me that you wish to enter a plea of guilty to  
11 a superseding information in this case. Is that right? Do you  
12 wish to enter a plea of guilty to a superseding information?

13 THE DEFENDANT: Yes, I do, your Honor.

14 THE COURT: Have you had a full and complete  
15 opportunity to discuss your case with Mr. Fetterman and to  
16 discuss the consequences of entering a plea of guilty today?

17 THE DEFENDANT: Yes, I have.

18 THE COURT: Are you satisfied with Mr. Fetterman and  
19 his representation of you?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: On the basis of Mr. Uribe's responses to  
22 my questions and my observation of his demeanor as he stands  
23 here before me today, I believe he's appeared before me at  
24 least once previously in connection with this litigation, I  
25 make the finding that he's fully competent to enter an informed

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1 plea at this time.

2 But before I accept a plea from you, Mr. Uribe, I'm  
3 going to be asking you a series of questions. These questions  
4 are intended to satisfy me that you wish to plead guilty  
5 because you are, in fact, guilty and that you fully and  
6 completely understand the consequences of entering a plea of  
7 guilty. I'm going to be describing to you certain rights you  
8 have under the laws and Constitution of the United States, and  
9 you're going to be giving up those rights if you enter a plea  
10 of guilty today, sir.

11 So I want you to listen to me very carefully, and if  
12 you don't understand anything I'm asking or if you don't  
13 understand anything I'm saying to you, I want you to stop me.  
14 I'll answer any of your questions or you can ask Mr. Fetterman  
15 anything you want. My concern is to make certain that you  
16 understand everything I'm saying to you as we go along today  
17 and that you understand everything I'm asking you.

18 Do you understand that, sir?

19 THE DEFENDANT: Yes, I do, your Honor.

20 THE COURT: Under the Constitution and laws of the  
21 United States, Mr. Uribe, you have a right to a speedy and  
22 public trial by a jury on the charges against you which are  
23 contained in superseding information S3 323 cr 490.

24 Do you understand that?

25 THE DEFENDANT: Yes, your Honor.

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1 THE COURT: If there were a trial, you would be  
2 presumed innocent and the government would be required to prove  
3 you guilty by competent evidence and beyond a reasonable doubt.  
4 You would not have to prove you are innocent at a trial.

5 Do you understand those rights, sir?

6 THE DEFENDANT: Yes, I do, your Honor.

7 THE COURT: If there were a trial, a jury composed of  
8 12 people selected from this district would have to agree  
9 unanimously that you are guilty.

10 Do you understand those rights?

11 THE DEFENDANT: Yes, I do, your Honor.

12 THE COURT: You have the right to be represented by an  
13 attorney at trial and at every other stage of the proceeding.  
14 If you cannot afford an attorney, Mr. Uribe, one will be given  
15 to you at no cost to you.

16 Do you understand those rights?

17 THE DEFENDANT: Yes, I do, your Honor.

18 THE COURT: If there were a trial, you would have a  
19 right to see and hear all of the witnesses against you and your  
20 attorney could cross-examine those witnesses you would have the  
21 right to have your attorney object to the government's evidence  
22 and offer evidence on your own behalf if you so desired and you  
23 would have the right to have subpoenas issued or other  
24 compulsory process used to compel witnesses to testify in your  
25 defense.

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1 Do you understand all those rights, sir?

2 THE DEFENDANT: Yes, I do, your Honor.

3 THE COURT: If there were a trial, you would have the  
4 right to testify if you wanted to, but no one could force you  
5 to testify if you did not want to. In addition, no inference  
6 or suggestion of guilt could be drawn if you decided not to  
7 testify at a trial.

8 Do you understand those rights, sir?

9 THE DEFENDANT: Yes, I do, your Honor.

10 THE COURT: Do you understand that by entering a plea  
11 of guilty today you're giving up each and every one of the  
12 rights I've described, you're waiving those rights and you will  
13 have no trial?

14 THE DEFENDANT: I understand, your Honor.

15 THE COURT: Do you understand that you have the right  
16 to change your mind right now, sir, and refuse to enter a plea  
17 of guilty? You don't have to enter this plea of guilty if you  
18 do not want to for any reason.

19 Do you understand that?

20 THE DEFENDANT: Yes, I do, your Honor.

21 THE COURT: Have you received a copy of superseding  
22 information S323 cr 490?

23 THE DEFENDANT: Yes, I did.

24 THE COURT: Did you read it?

25 THE DEFENDANT: Yes, I did.



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1 THE COURT: Did you discuss it with Mr. Fetterman?

2 THE DEFENDANT: Yes, I did.

3 THE COURT: Did he answer any questions you may have  
4 had about it?

5 THE DEFENDANT: Yes, he did.

6 THE COURT: Do you believe you fully understand what's  
7 set forth in that superseding information?

8 THE DEFENDANT: Yes, I do.

9 THE COURT: You have the right to have me read that  
10 superseding information right now in open court, which I'm  
11 perfectly happy to do. If you don't want me to read it though,  
12 you have the right to waive my reading. Do you want me to read  
13 it in open court or, no?

14 THE DEFENDANT: I could waive it, your Honor.

15 THE COURT: Pardon me?

16 THE DEFENDANT: You don't have to read it, your Honor.

17 THE COURT: I accept that as a knowing and voluntary  
18 waiver of the right to have the indictment read in open court.

19 Do you understand that you are charged in Count One  
20 with participating in a conspiracy to commit bribery from at  
21 least 2018 to 2023 in violation of Title 18, United States  
22 Code, Section 371?

23 THE DEFENDANT: Yes, I do.

24 THE COURT: Do you understand that in Count Two you're  
25 charged with participating in a conspiracy to commit honest

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1 services wire fraud from 2018 to 2023 in violation of 18,  
2 U.S.C., Section 1349?

3 THE DEFENDANT: Yes, I do.

4 THE COURT: Now, when I say those years, 2018 to 2023,  
5 those are approximate, it's approximately 2018 to approximately  
6 2023.

7 Do you understand that?

8 THE DEFENDANT: Yes, your Honor.

9 THE COURT: Now, do you understand that in Count Three  
10 you're charged with honest services wire fraud from  
11 approximately 2018 to approximately 2023 in violation of  
12 18, U.S.C., 1343, 1346 and 2?

13 Do you understand that?

14 THE DEFENDANT: Yes, I do, your Honor.

15 THE COURT: And in Count Four you're charged in  
16 participating in a conspiracy to commit obstruction of justice  
17 from approximately June 2022 until approximately 2023 in  
18 violation of 18, U.S.C., 371.

19 Do you understand that?

20 THE DEFENDANT: Yes, I do, your Honor.

21 THE COURT: And Count Five you're charged with  
22 obstruction of justice from at least June 2022 to approximately  
23 2023 in violation of 18, U.S.C., 1503 and 2.

24 Do you understand that?

25 THE DEFENDANT: Yes, I do, your Honor.

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1 THE COURT: And Count Six, sir, you're charged with  
2 committing tax evasion for the tax years 2016 through and  
3 including the tax year 2021 in violation of 26, U.S.C., 7201  
4 and 18, U.S.C., Section 2.

5 Do you understand that?

6 THE DEFENDANT: Yes, I do, your Honor.

7 THE COURT: Count Seven charges you with wire fraud  
8 affecting a financial institution from at least 2019 until at  
9 least 2020 in violation of 18, U.S.C., 1343 and 2.

10 Do you understand that?

11 THE DEFENDANT: Yes, I do, your Honor.

12 THE COURT: Now your attorney has said that you wanted  
13 to plead guilty to the superseding information. Do you  
14 understand that, sir, that an information is simply a charge by  
15 the government?

16 THE DEFENDANT: Yes, I do, your Honor.

17 THE COURT: And do you know that an indictment, on the  
18 other hand, is a charge by grand jury?

19 Do you understand that?

20 THE DEFENDANT: I understand, your Honor.

21 THE COURT: Do you know that you have a right under  
22 the Constitution of the United States to be charged by an  
23 indictment of a grand jury rather than an information by the  
24 government?

25 THE DEFENDANT: I understand, your Honor.

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1 THE COURT: Now I have a document in front of me  
2 that's entitled waiver of indictment. I'm going to have my  
3 deputy mark it as Government Exhibit No. 1 and I'm going to  
4 have her show you this one-page document.

5 Is that your signature on the last page, sir?

6 THE DEFENDANT: Yes, it is, your Honor.

7 THE COURT: Do you understand you waive the right to  
8 be charged by an indictment and that you have consented to  
9 being charged by an information by the government?

10 THE DEFENDANT: Yes, I do, your Honor.

11 THE COURT: When you waived those rights, sir, did you  
12 do so knowingly and voluntarily?

13 THE DEFENDANT: Yes, I did.

14 THE COURT: In the relevant part of this document it  
15 states that you are being accused of the crimes you've been  
16 accused of and waives in open court prosecution by indictment  
17 and consents that the proceeding may be by information instead  
18 of by indictment.

19 Do you understand that, sir, that if you did not plead  
20 guilty, the government would have to prove each and every part  
21 or element of the each of the charges in that indictment beyond  
22 a reasonable doubt at a trial before a jury can convict you of  
23 the charge that they are considering?

24 THE DEFENDANT: I understand, your Honor.

25 THE COURT: Now, I'm going to ask the government to

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1 set forth the elements of each count that the government would  
2 have to prove beyond a reasonable doubt before a jury could  
3 convict Mr. Uribe of that particular charge.

4 But I'm going to ask the government to pause setting  
5 forth the elements of each and I'll do educe on the record if  
6 it's true that Mr. Uribe understands those are the elements.

7 Proceed.

8 MS. POMERANTZ: Count One charges the defendant with  
9 conspiracy to commit bribery in violation of Title 18, United  
10 States Code, Section 371. The elements of conspiracy are,  
11 first, that two or more persons entered into the unlawful  
12 agreement charged in the information; second, that the  
13 defendant knowingly and willfully became a member of the  
14 conspiracy; third, one of the members of the conspiracy  
15 knowingly committed or caused to be committed at least one  
16 overt act to further the conspiracy.

17 As to the underlying object of the conspiracy, the  
18 bribery offense can be committed in multiple ways. One way is  
19 bribe offering and paying, which has the following elements:  
20 First, the payors directly or indirectly gave, offered, or  
21 promised something of value to any public official which, under  
22 the statute includes a member of Congress, or offered or  
23 promised any public official to give anything of value to any  
24 other person; and, second, the payors had the corrupt intent to  
25 influence the performance of an official act of any public

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1 official.

2           The other way is bribe soliciting and receiving, which  
3 has the following elementals: First, the public official  
4 directly or indirectly demanded, sought, received, accepted, or  
5 agreed to receive or accept anything of value personally or for  
6 any other person or entity; and second, the public official had  
7 the corrupt intent to be influenced in the performance of an  
8 official act and/or conveyed that intent.

9           THE COURT: Mr. Uribe, do you understand that lengthy  
10 recitation sets forth the elements of Count One that the jury  
11 would have to determine that the government had proven beyond a  
12 reasonable doubt in order to convict you of Count One?

13           Do you understand that?

14           THE DEFENDANT: I understand.

15           THE COURT: Let's go to Count Two, please.

16           MS. POMERANTZ: Count Two charges the defendant with  
17 conspiracy to commit honest services wire fraud in violation of  
18 Title 18, United States Code, Section 1349. The conspiracy  
19 elements are: First, two or more persons entered the lawful  
20 agreement in the information; and second, the defendant  
21 knowingly and willfully joined the conspiracy.

22           As to the object of the conspiracy, honest services  
23 wire fraud, the elements are: First, there was a scheme or  
24 artifice to defraud the public out of its intangible right to  
25 Menendez' honest services as a U.S. Senator through bribery;

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1 second, the defendant knowingly participated in the scheme to  
2 defraud with knowledge of its fraudulent nature and with the  
3 specific intent to defraud; third, that the scheme or artifice  
4 to defraud involved a material misrepresentation, omission,  
5 false statement, false pretense, or concealment of facts that  
6 was material to the public; and, fourth, in executing the  
7 scheme, the defendant used or caused the use of interstate wire  
8 communications.

9 THE COURT: Do you understand that those are the  
10 elements that the government would have to prove beyond a  
11 reasonable doubt at trial on --

12 THE DEFENDANT: Yes, I do, your Honor.

13 THE COURT: -- Count Two?

14 Let's proceed to Count Three.

15 MS. POMERANTZ: Count Three charges the defendant with  
16 honest services wire fraud in violation of Title 18, United  
17 States Code, Section 1343, 1346, and 2.

18 Your Honor, I just walked through the four elements of  
19 honest services wire fraud in connection with the prior count.  
20 If you'd like me to repeat them, I'm happy to do so.

21 THE COURT: I think you should. Yes.

22 MS. POMERANTZ: So, first, there was a scheme or  
23 artifice to defraud the public out of its intangible right to  
24 Menendez' honest services as a U.S. Senator through bribery;  
25 second, the defendant knowingly participated in the scheme to

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1 defraud with knowledge of its fraudulent nature and with the  
2 specific intent to defraud; third, that the -- that the scheme  
3 or artifice to defraud involved a material misrepresentation,  
4 omission, false statement, false pretense of concealment of  
5 fact that was material to the public; and, fourth, in executing  
6 the scheme, the defendant used or caused the use of interstate  
7 wire communications.

8 THE COURT: Mr. Uribe, do you understand that those  
9 are the elements of Count Three the government would have to  
10 prove beyond a reasonable doubt?

11 THE DEFENDANT: Yes, I do, your Honor.

12 THE COURT: Let's move to Count Four.

13 MS. POMERANTZ: Count Four charges the defendant with  
14 conspiracy to commit obstruction of justice in violation of  
15 Title 18, United States Code, Section 371.

16 As I mentioned earlier, the elements of conspiracy  
17 are: First, that two or more persons entered into the unlawful  
18 agreement charged in the information; second, that the  
19 defendant knowingly and willfully became a member of the  
20 conspiracy; and third, one of the members of the conspiracy  
21 knowingly committed or caused to be committed at least one  
22 overt act to further the conspiracy.

23 As to the underlying object of the conspiracy,  
24 obstruction of justice, there are four elements, which are as  
25 follows -- excuse me, three elements which are as follows:



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1 First, that on or about the dates set forth in the information,  
2 there was a proceeding pending before a federal court or grand  
3 jury; second, the defendant knew of the proceeding; and, third,  
4 the defendant corruptly acted to obstruct or impede or endeavor  
5 to obstruct or impede the proceeding.

6 THE COURT: Do you understand that those are the  
7 elements of Count Four, sir, that the government would have to  
8 prove beyond a reasonable doubt?

9 THE DEFENDANT: Yes, I do, your Honor.

10 THE COURT: Let's move to Count Five.

11 MS. POMERANTZ: Count Five charges the defendant with  
12 obstruction of justice in violation of Title 18, United States  
13 Code, Sections 1503 and 2. The three elements which I just  
14 outlined are as follows: First, that on or about the date set  
15 forth in the information, there was a proceeding pending before  
16 a federal court or grand jury; second, the defendant knew of  
17 the proceeding; and, third, the defendant corruptly acted to  
18 obstruct or impede or endeavored to obstruct or impede the  
19 proceeding.

20 THE COURT: Do you understand those are the elements  
21 of Count Five, sir?

22 THE DEFENDANT: Yes, I do, your Honor.

23 THE COURT: Move to Count Six.

24 MS. POMERANTZ: Count Six charges the defendant with  
25 tax evasion for the calendar years 2016 through 2021 in

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1 violation of Title 26, United States Code, 7201 and Title 18,  
2 United States Code, Section 2.

3 And the elements are as follows: First, that the  
4 defendant failed to file timely federal income tax returns for  
5 the particular years in question despite owing a substantial  
6 amount of federal income tax for those years; second, the  
7 defendant committed an affirmative act constituting an evasion  
8 or an attempted evasion of assessments of the tax described in  
9 the information; third, that the defendant acted knowingly and  
10 willfully.

11 THE COURT: Do you understand those are the elements  
12 of Count Six, sir, that the government would have to prove  
13 beyond a reasonable doubt?

14 THE DEFENDANT: Yes, I do, your Honor.

15 THE COURT: Count Seven.

16 MS. POMERANTZ: Count Seven charges the defendant with  
17 wire fraud in violation of Title 18, United States Code,  
18 Section 1343 and Section 2. The four elements are: There was  
19 a scheme or artifice to defraud or to obtain money or property  
20 by materially false or fraudulent pretenses, representations,  
21 or promises; second, the defendant knowingly devised or  
22 participated in the scheme or artifice to defraud with  
23 knowledge of its fraudulent nature and with specific intent to  
24 defraud; third, in the execution of that scheme, the defendant  
25 used or caused the use by others of interstate or foreign

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1 wires; and, fourth, this scheme affected a financial  
2 institution.

3 THE COURT: As with the other counts, sir, do you  
4 understand that if you did not plead guilty the government  
5 would have to prove each of the elements of Count Seven just as  
6 it had to prove with Counts One through Six beyond a reasonable  
7 doubt at trial?

8 THE DEFENDANT: I understand, your Honor.

9 THE COURT: Thank you. You may be seated.

10 Now the government also has a venue requirement for  
11 each count, and the venue requirement is essentially that  
12 something in connection with each of those counts must have  
13 occurred in the Southern District of New York. That obligation  
14 on the government is simply to prove venue lies in the Southern  
15 District of New York by a preponderance of the evidence, not  
16 beyond a reasonable doubt.

17 Do you understand that, sir?

18 THE DEFENDANT: Yes, I do.

19 THE COURT: Now I'm going to read to you the maximum  
20 possible penalty for each count and ask after each count that  
21 you understand, if you understand that that's the maximum  
22 possible penalty for the count.

23 The maximum possible penalty for Count One is five  
24 years' imprisonment plus three years' supervised release, plus  
25 a maximum fine of the greatest of \$250,000 or twice gross

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1 pecuniary gain derived from the offense or twice the gross  
2 pecuniary loss to individuals other than you as a result from  
3 the offense, plus a mandatory \$100 special assessment.

4 Do you understand that?

5 THE DEFENDANT: Yes, I do.

6 THE COURT: Now, sir, the maximum fine that I set  
7 forth there is repeated in Count -- and the \$100 mandatory  
8 special assessment is repeated in Counts Two, Three, Four,  
9 Five, and Six.

10 Do you understand that?

11 THE DEFENDANT: Yes, I do, your Honor.

12 THE COURT: Now the maximum penalty for Count Two is  
13 20 years' imprisonment, three years' supervised release, and  
14 that \$250,000 fine, and the \$100 mandatory special assessment  
15 that I referred to earlier.

16 Do you understand that?

17 THE DEFENDANT: Yes, I do, your Honor.

18 THE COURT: Now, I don't mean to complicate things,  
19 but the maximum \$250,000 fine and the maximum -- I'm sorry, the  
20 mandatory \$100 special assessment is imposed separately on each  
21 of Counts One through Six.

22 Do you understand that?

23 THE DEFENDANT: Yes, I do, your Honor.

24 THE COURT: The maximum penalty of Count Three is 20  
25 years' imprisonment, three years' supervised release, the

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1 \$250,000 maximum fine I referred to, and a \$100 mandatory  
2 special assessment.

3 Do you understand that?

4 THE DEFENDANT: Yes, I do your Honor.

5 THE COURT: The maximum penalty on Count Four is five  
6 years' imprisonment, three years' supervised release, \$250,000  
7 fine that I referred to earlier, and the mandatory \$100 special  
8 assessment.

9 Do you understand that?

10 THE DEFENDANT: Yes, I do, your Honor.

11 THE COURT: The mandatory sentence on Count Five is  
12 ten years' imprisonment, plus three years' supervised release  
13 plus, again, the greatest of \$250,000 or twice the gross  
14 pecuniary gain or twice the gross pecuniary loss to individuals  
15 other than you, plus a mandatory \$100 special assessment.

16 Do you understand that?

17 THE DEFENDANT: Yes, I do.

18 THE COURT: The maximum penalty for Count Six is five  
19 years' imprisonment, plus three years' supervised release, plus  
20 the maximum fine I've been referring to earlier, and the  
21 mandatory \$100 special assessment.

22 Do you understand that?

23 THE DEFENDANT: Yes, I do, your Honor.

24 THE COURT: Now, the maximum penalty for Count Seven  
25 is 30 years' imprisonment, plus five years supervised release,

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1 plus a maximum fine of \$1 million or twice the gross pecuniary  
2 gain derived from the offense or twice the gross pecuniary loss  
3 to individuals other than you resulting from the offense, plus  
4 a \$100 mandatory special assessment, plus I must order  
5 restitution pursuant to Count Seven.

6 Do you understand that, sir?

7 THE DEFENDANT: Yes, I do, your Honor.

8 THE COURT: Now, for each of those counts, I used the  
9 term supervised release when I was describing one element of  
10 your maximum sentence, sir. Supervised release means that  
11 you're going to be subject to monitoring upon your release from  
12 prison and the monitoring is to be under terms and conditions  
13 that could lead to your re-imprisonment without a jury trial  
14 for all or part of the term of supervised release and without  
15 credit for time previously served on post-release supervision  
16 if you violate any term or condition of supervised release.

17 Do you understand that, sir?

18 THE DEFENDANT: Yes, I do, your Honor.

19 THE COURT: Now, I also can order restitution to  
20 anyone injured as a result of your criminal conduct.

21 Do you understand that?

22 THE DEFENDANT: Yes, I do, your Honor.

23 THE COURT: Now, you're pleading guilty to seven  
24 different and distinct counts. Do you understand that I'm  
25 going to sentence you separately on each of those seven counts?

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1 THE DEFENDANT: Yes, I do, your Honor.

2 THE COURT: Do you also understand that I have the  
3 authority to order you to serve each of those sentences  
4 consecutively, meaning one after the other, or, similarly, I  
5 can order you to serve them concurrently, meaning at the same  
6 time, or essentially any combination thereof?

7 Do you understand that?

8 THE DEFENDANT: Yes, I do, your Honor.

9 THE COURT: If I do decide to order those sentences to  
10 be searched consecutively, meaning one after the other, that  
11 means you face a total maximum sentence of 95 years in prison.

12 Do you understand that?

13 THE DEFENDANT: Yes, I do.

14 THE COURT: Mr. Fetterman, I assume your client is a  
15 United States citizen; is that correct?

16 MR. FETTERMAN: Yes, it is, your Honor.

17 THE COURT: Under current law, Mr. Uribe, there are  
18 sentencing guidelines that judges such as myself must utilize  
19 in applying the factors set forth in 18, U.S.C., 3553(a) to  
20 determine what a fair and reasonable and appropriate sentence  
21 is in your case.

22 Do you understand that?

23 THE DEFENDANT: Yes, I do, your Honor.

24 THE COURT: Have you talked to Mr. Fetterman about the  
25 sentencing guidelines, sir?

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1 THE DEFENDANT: Yes, we have.

2 THE COURT: Did he answer any questions you may have  
3 had about them?

4 THE DEFENDANT: Yes, he did.

5 THE COURT: Do you understand that I will not be able  
6 to determine what the appropriate guideline range is until  
7 after I've received a presentence report completed by the  
8 probation department and you and the government have had a full  
9 opportunity to comment or object to any findings of facts set  
10 forth in that probation department report?

11 THE DEFENDANT: I understand.

12 THE COURT: Now, the probation department is going to  
13 interview you. I need you to give them accurate and complete  
14 information because they're going to be asking questions about  
15 your background, your education, your finances, your family  
16 upbringing, any criminal history you may have had. They're  
17 going to be asking you a series of questions in order to  
18 provide me with facts upon which I can determine what an  
19 appropriate sentence is for you.

20 Do you understand that?

21 THE DEFENDANT: I understand.

22 THE COURT: So please give them accurate and complete  
23 information. Mr. Fetterman will have the right to be there, if  
24 he so chooses, during the interview.

25 Now, based in part on that presentence report and any



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1 submissions of the parties and my own analysis of the  
2 sentencing guidelines, I'll determine what the appropriate  
3 guideline range is in your case.

4 Do you understand that?

5 THE DEFENDANT: Yes, I do, your Honor.

6 THE COURT: But after I do that, I have the ability to  
7 impose a sentence that is either higher than are called for in  
8 the guidelines or lower than are called for in the guidelines  
9 based on a departure from the guidelines.

10 Do you understand that?

11 THE DEFENDANT: I understand.

12 THE COURT: And even after I do that, that is first  
13 determine what the appropriate guideline range is, then  
14 determine whether there are grounds to depart either upward or  
15 downward from the guideline range, I then have the obligation  
16 under the law to apply the factors set forth in 18, United  
17 States Code, Section 3553(a) to determine what an appropriate  
18 sentence is for you.

19 Do you understand?

20 THE DEFENDANT: I do understand.

21 THE COURT: Do you understand that if you're sentenced  
22 to prison, sir, the system of parole that used to exist in the  
23 federal criminal justice system has been abolished. As a  
24 result, you will not be released from prison any earlier on  
25 parole.

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1 Do you understand that?

2 THE DEFENDANT: I understand.

3 THE COURT: And do you understand that if  
4 Mr. Fetterman or any member of the defense team or any member  
5 of the prosecution team, or anyone else for that matter, has  
6 told you what they believe the sentence is going to be or what  
7 they expect it to be or think it will be, or for that matter,  
8 they say they know what it will be, they all could be wrong.

9 Do you understand that?

10 THE DEFENDANT: I understand.

11 THE COURT: And even if you think you know what it's  
12 going to be, you could be wrong, too.

13 Do you understand that?

14 THE DEFENDANT: I do understand.

15 THE COURT: And the reason for that, sir, is I'm the  
16 one that's going to sentence you and I don't know what your  
17 sentence is going to be because I don't know enough information  
18 about the underlying facts of the crimes to which you're  
19 entering a plea of guilty today and about your background. So  
20 if I'm the one who is going to be sentencing you and I don't  
21 know what your sentence is going to be, I assure you nobody can  
22 know what your sentence is going to be.

23 Do you understand that?

24 THE DEFENDANT: I understand.

25 THE COURT: And do you understand that if your

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1 sentence turns out to be different than what someone else has  
2 told you it might be or will be or could be or should be or  
3 ought to be, and even if it's different from what you,  
4 yourself, think it's going to be, you still are going to be  
5 bound by this guilty plea today, sir, and you won't be allowed  
6 to withdraw it.

7 Do you understand that?

8 THE DEFENDANT: Yes, I do, your Honor.

9 THE COURT: Now, you heard me refer earlier to the  
10 plea agreement. It's a document dated February 29 of this  
11 year. It's seven pages. It's from Ms. Pomerantz. It's signed  
12 by Ms. Pomerantz. It's addressed to Mr. Fetterman.

13 I'm going to ask my deputy to mark it as Court Exhibit  
14 No. 2 and I'm going to ask her to, as before, she'll show you  
15 the last page.

16 Is that your signature on the last page, sir?

17 THE DEFENDANT: Yes, it is, your Honor.

18 THE COURT: Did you read that agreement before you  
19 signed it?

20 THE DEFENDANT: Yes, I did.

21 THE COURT: Did you discuss it with Mr. Fetterman  
22 before you signed it?

23 THE DEFENDANT: Yes, I did.

24 THE COURT: Did he answer any questions you may have  
25 had about it before you signed it?

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1 THE DEFENDANT: Yes, he did.

2 THE COURT: Did you fully understand the agreement at  
3 the time you signed it, sir?

4 THE DEFENDANT: Yes, I did.

5 THE COURT: Does this letter agreement constitute your  
6 complete and total understanding of the entire agreement  
7 between the government, Mr. Fetterman, and yourself?

8 THE DEFENDANT: Yes, it does.

9 THE COURT: Is there anything about your plea and  
10 sentence that's been left out of this agreement? Are there any  
11 side deals I should know about?

12 THE DEFENDANT: No, your Honor.

13 THE COURT: Is everything about your plea and sentence  
14 contained in this agreement?

15 THE DEFENDANT: Yes, it is.

16 THE COURT: Do you understand that in this agreement  
17 you've agreed to waive any claim of lack of or improper venue  
18 with respect to Counts Six and Seven of the information?

19 THE DEFENDANT: I'm sorry, your Honor. Could you  
20 repeat that question?

21 THE COURT: Of course. I realize we've been going for  
22 quite some time. I understand.

23 THE DEFENDANT: Thank you.

24 MR. FETTERMAN: Your Honor, may I have one moment just  
25 to explain one thing to my client?

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1 THE COURT: Of course. And I'm going to ask the about  
2 the statute of limitations as well. So go ahead.

3 (Defendant conferring with counsel)

4 MR. FETTERMAN: Thank you, your Honor.

5 THE COURT: Do you understand that, Mr. Uribe, in this  
6 agreement, you waive any claim of lack of venue with respect to  
7 Counts Six and Seven, and you waive any claim of improper venue  
8 with respect to Counts Six and Seven?

9 THE DEFENDANT: Yes, I do, your Honor.

10 THE COURT: And do you also understand that you've  
11 agreed to waive any potential statute of limitations and any  
12 potential duplicity defense in regard to Count 6?

13 THE DEFENDANT: I understand, your Honor.

14 THE COURT: Do you understand that in this agreement  
15 you've admitted the forfeiture allegations with respect to  
16 Counts One through Five and have agreed to forfeit to the  
17 United States the proceeds traceable to the commission of  
18 Counts One through Five?

19 THE DEFENDANT: Yes, I do, your Honor.

20 THE COURT: And do you understand you've also admitted  
21 the forfeiture allegation with respect to Count Seven and have  
22 agreed to forfeit to the United States \$246,000 in United  
23 States currency representing the proceeds traceable to the  
24 commission by you of Count Seven?

25 THE DEFENDANT: I do, your Honor.

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1 THE COURT: And do you also understand that you've  
2 agreed to make restitution in an amount to be determined by me?

3 THE DEFENDANT: I do, your Honor.

4 THE COURT: Do you understand that you've agreed to  
5 file with the IRS at least two weeks prior to the sentencing  
6 date accurate, amended individual tax returns for calendar  
7 years 2016 through 2021 and the accurate, amended corporate tax  
8 returns for a series of corporate entities that are listed in  
9 this agreement?

10 Do you understand that?

11 THE DEFENDANT: Yes, I do, your Honor.

12 THE COURT: And do you understand that not only have  
13 you agreed to file accurate, amended individual tax returns and  
14 the relevant corporate tax returns, but you've also agreed to  
15 pay past taxes due and owing to the IRS for the years 2016,  
16 2017, 2018, 2019, 2020, and 2021, including any appropriate  
17 penalties?

18 THE DEFENDANT: I understand, your Honor.

19 THE COURT: Mr. Fetterman, do you know of any valid  
20 defense that would prevail at trial and know of any reason why  
21 Mr. Uribe should not be permitted to plead guilty today?

22 MR. FETTERMAN: I do not, your Honor.

23 THE COURT: In your view, sir, is there an adequate  
24 factual basis to support your client's plea of guilty?

25 MR. FETTERMAN: Yes, there is, your Honor.

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1 THE COURT: Ms. Pomerantz, in your view, is there an  
2 adequate factual basis to support Mr. Uribe's plea today?

3 MS. POMERANTZ: Yes, your Honor.

4 THE COURT: Mr. Uribe, please tell me what you did in  
5 connection with each of Counts One through Seven that you're  
6 pleading guilty to.

7 Now, I see you have something, I take it you're going  
8 to read from something; is that correct?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: It's perfectly appropriate for your  
11 attorney to have assisted you in preparing that. I don't know  
12 whether he has or not, but I need you to tell me whether or not  
13 he's written it or assisted in some way, that what you're about  
14 to tell me is true.

15 THE DEFENDANT: My attorney did assist me for the  
16 preparation, but these are my own words.

17 THE COURT: And everything in there is true, correct?

18 THE DEFENDANT: Everything in here is true.

19 THE COURT: I am also, sir, going to ask you to read  
20 slowly because when people are reading from a document and when  
21 they are nervous, normally people who are pleading guilty have  
22 some degree of nervousness, they tend to speed up, and it's  
23 important that I understand what you're saying and that the  
24 court reporter be able to capture it. So please read slowly  
25 and carefully.

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1 Sir, tell me what you did that makes you guilty of  
2 Counts One through Seven.

3 THE DEFENDANT: Your Honor, as to Count One and  
4 Three -- Count Two, Three, I agreed with several people,  
5 including Nadine Menendez, to provide Nadine with a  
6 Mercedes-Benz in return for Senator Menendez using his power  
7 and influence as a United States Senator to get a favorable  
8 outcome and to stop all investigations related to one of my  
9 associates, and, if necessary, to stop the possible  
10 investigation into another person who I considered to be a  
11 member of my family. I made certain payments on the Mercedes  
12 in a manner to conceal my involvement because I knew it was  
13 wrong. I knew that giving a car in return for influencing a  
14 United States Senator to stop a criminal investigation was  
15 wrong, and I deeply regret my actions.

16 As to Count Four to Five, after I received a subpoena  
17 relating to Senator Menendez, Nadine Menendez contacted me  
18 through another individual. Later that afternoon, I met with  
19 Nadine at a Marriott, and she asked what was I going to say if  
20 somebody asked me about the car payments. I told her that I  
21 would say a good friend of mine was in a financial situation  
22 and I was helping that friend to make the payments on the car,  
23 and when she was financially stable, she will pay me back.  
24 Nadine says something like, that sounds good.

25 Later in time, I told the same story to my attorneys



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1 at the time, and they transmitted that false story to the  
2 United States Office in New York with my approval. Late in  
3 2022, I received a check from Nadine paying me back for the car  
4 payments. I then deposited the check.

5 As to Count Six, I intentionally -- I intentionally  
6 did not prioritize -- file tax returns since at least 2016 to  
7 2022 when I understood that I had tax obligations and a duty to  
8 file those returns. I knew that this was wrong and that it  
9 would result in the government not being paid tax obligations  
10 owed by me and owed by companies that I control and manage when  
11 they were due. They were companies that were controlled and  
12 managed by me, of which I failed to file tax returns. I knew  
13 that the income for those companies would not be reported or  
14 reflected on my personal tax return as I understood that it  
15 would be reported under each individual company.

16 Counts -- as to Count Seven, I made up the fake tax  
17 returns in connection with bank loans in order to purchase two  
18 trailers --

19 THE COURT: In order to purchase?

20 THE DEFENDANT: Two trailers.

21 MR. FETTERMAN: Truck trailers, your Honor.

22 THE DEFENDANT: Truck trailers.

23 THE COURT: All right.

24 THE DEFENDANT: I purchased the trailers and I paid  
25 off the loans. I also instructed another person to use the

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1 figures from the fake tax returns to get a SBA loan, which I  
2 also paid in full.

3 THE COURT: When you did these acts, sir, did you know  
4 that what you were doing was wrong and illegal?

5 THE DEFENDANT: Yes, I did, your Honor.

6 THE COURT: Government, is there anything else on the  
7 factual allocution that you wish?

8 You can talk amongst yourselves.

9 MS. POMERANTZ: Thank you, your Honor.

10 (Counsel confer)

11 THE COURT: Sir, I don't know whether I just asked you  
12 this or not, but when you did the acts that you told me about,  
13 did you know that what you were doing was wrong and illegal?

14 THE DEFENDANT: Yes. I knew.

15 THE COURT: Government?

16 MS. POMERANTZ: Thank you, your Honor. If you could  
17 just ask the defendant to confirm that the amount owed on the  
18 income taxes for those years was a substantial amount, that he  
19 knew that it was a substantial amount that was owed.

20 THE COURT: Did you know you owed a substantial amount  
21 of income taxes?

22 THE DEFENDANT: Yes, I knew, your Honor.

23 THE COURT: All right.

24 MS. POMERANTZ: And then, also, your Honor, as to the  
25 interstate wire elements, the government would proffer that as

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1 to Count Two and Count Three which relate to an interstate wire  
2 for honest services fraud conspiracy and honor services fraud,  
3 that the government would proffer that the defendant, while in  
4 New Jersey, asked, as his business associate referred to as  
5 associate 2 in the information, who was in the Bronx at the  
6 time, to make a financing payment for the Mercedes-Benz  
7 convertible for the benefit of Robert and Nadine Menendez.

8 THE COURT: Did you, when you were in New Jersey, did  
9 you ask an associate who was in the Bronx to make a financing  
10 payment in connection with the Mercedes that was for the  
11 benefit and Robert and Nadine Menendez?

12 THE DEFENDANT: Yes, I did, your Honor.

13 MS. POMERANTZ: And, your Honor, as to the seventh  
14 count, wire fraud, the government would proffer that the  
15 application for the SBA loan traveled across state lines.

16 THE COURT: How so?

17 MS. POMERANTZ: Your Honor, that the application was  
18 transmitted electronically, and so it traveled across state  
19 lines in that transmission.

20 THE COURT: Did you transmit your SBA loan application  
21 by wire?

22 THE DEFENDANT: It was done online.

23 THE COURT: Pardon me.

24 THE DEFENDANT: The application was done online, your  
25 Honor.

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1 THE COURT: And where were you? Were you in New  
2 Jersey at the time you made that application?

3 THE DEFENDANT: Yes, your Honor.

4 THE COURT: Thank you.

5 Anything else?

6 MS. POMERANTZ: Yes, your Honor. As to the seventh  
7 count that we were just discussing, one of the elements  
8 involves the scheme affecting a financial institute. If your  
9 Honor could just confirm with the defendant that one of the  
10 fake tax returns was used to get a loan from a financial  
11 institution or a bank.

12 THE COURT: Is that, true, sir? Was one of the fake  
13 tax returns used to obtain a loan from a financial institution  
14 or a bank?

15 THE DEFENDANT: Yes, your Honor. It was.

16 THE COURT: Government, anything else?

17 MS. POMERANTZ: No, your Honor.

18 THE COURT: Mr. Fetterman, anything from the defense  
19 that you want on the allocution?

20 MR. FETTERMAN: No, your Honor. Thank you.

21 THE COURT: Government, tell me the evidence you have  
22 against this defendant that supports Counts One through Seven.

23 MS. POMERANTZ: If the case proceeded to trial, the  
24 government would prove each of the offenses through evidence,  
25 including, among other things, search warrant results from

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1 phones, email accounts, and other electronic accounts including  
2 the defendant's communications with other members of the  
3 conspiracy, records produced in response to grand jury  
4 subpoenas including from banks and financial institutions as  
5 well as records produced voluntarily, such as from government  
6 agencies, materials obtained from the IRS, and testimony from  
7 lay witnesses and law enforcement agents regarding the conduct  
8 described in the information.

9 THE COURT: Mr. Uribe, how do you now plead to the  
10 charges in Counts One through Seven, the superseding  
11 information S3 23 cr 490, guilty or not guilty, sir?

12 THE DEFENDANT: Guilty, your Honor.

13 THE COURT: Are you pleading guilty, sir, because you  
14 are guilty?

15 THE DEFENDANT: Yes, your Honor.

16 THE COURT: Are you pleading guilty voluntarily and of  
17 your own free will?

18 THE DEFENDANT: Yes, your Honor.

19 THE COURT: Because you acknowledged that you're  
20 guilty as charged in the superseding information, because I  
21 find you know your rights and are waiving them knowingly and  
22 voluntarily, because I find your plea is entered knowingly and  
23 voluntarily and is supported by an independent basis in fact  
24 containing each of the essential elements of the offense, I  
25 accept your guilty plea today, sir, and I adjudge you guilty of

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1 the seven offenses to which you have pled.

2 I'll set the date for sentencing now for  
3 June 13<sup>th</sup> at 2:30 subject to any adjourn date that I may set  
4 or the parties may request and that I grant.

5 Is there any bail application? Any application in  
6 regard to bail?

7 Government, what's your position on bail here?

8 MS. POMERANTZ: Your Honor, we do not object to the  
9 defendant's continued release on the bail conditions that were  
10 set at the September 27, 2023 hearing in this case.

11 THE COURT: Mr. Uribe, I'm going to keep you out, out  
12 of prison, that is, on the same conditions that you've been  
13 released on up until now. Do you understand that if you fail  
14 to return to this courtroom on June 13<sup>th</sup> or any adjourn date  
15 that I set for your sentencing, you're going to be guilty of a  
16 criminal act for which you could be sentenced to imprisonment  
17 separate, apart from, and in addition to any other sentence you  
18 might receive for the crimes to which you have just pled  
19 guilty?

20 THE DEFENDANT: I understand.

21 THE COURT: Do you also understand that you're  
22 obligated to comply with all of the conditions that you've been  
23 released on up until now?

24 THE DEFENDANT: I understand.

25 THE COURT: Is there anything else, Defense?

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MR. FETTERMAN: No, your Honor. Thank you.

THE COURT: Anything else, Government?

MS. POMERANTZ: No, your Honor. Thank you.

THE COURT: All right. I thank all of you.

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